

SCOTTSDALE

# CITY COUNCIL MEETING



**\*\*\*AMENDED\*\*\* AGENDA (EXECUTIVE SESSION ADDED/ITEM 3 CONTINUED)**

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## COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Cynthia Lukas

Ned O'Hearn

David Ortega

Tom Silverman

Monday, June 2, 2003

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## Marked Agenda

### 4:00 P.M.

**City Council Special Meeting to call Executive Session**

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Blvd. – **4:14 P.M.**

**Roll Call** – **ALL PRESENT**

1. NEGOTIATIONS AND ACQUISITION OF A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE McDOWELL SONORAN PRESERVE: **780 acres of land located between Bell Road and Union Hills Road, at approximately 104<sup>th</sup> Street.** A.R.S. 38-431.03 (A)(3), - (A)(4) and -(A)(7). Contact: Ed Gawf, Deputy City Manager, 480-312-4510, [egawf@scottsdaleaz.gov](mailto:egawf@scottsdaleaz.gov)
2. MOTION TO RECESS INTO EXECUTIVE SESSION, IF NEEDED, FOR LEGAL ADVICE AND TO CONSIDER THE CITY'S POSITION AND INSTRUCT ITS REPRESENTATIVES AND ATTORNEYS REGARDING NEGOTIATIONS AND ACQUISITION OF A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE McDOWELL SONORAN PRESERVE: **780 acres of land located between Bell Road and Union Hills Road, at approximately 104<sup>th</sup> Street.** A.R.S. 38-431.03 (A)(3), -(A)(4) and -(A)(7). Contact: Ed Gawf, Deputy City Manager, 480-312-4510, [egawf@scottsdaleaz.gov](mailto:egawf@scottsdaleaz.gov) - **OK – 7/0**

**Adjourn** – **4:16 P.M.**

## City Council Executive Session

Immediately Following 4:00 P.M. City Council Special Meeting

**Call to Order** – City Hall Kiva Conference Room

1. DISCUSSION WITH REPRESENTATIVES OF THE PUBLIC BODY AND DISCUSSION AND CONSULTATION WITH CITY ATTORNEYS FOR LEGAL ADVICE AND TO CONSIDER THE CITY'S POSITION AND INSTRUCT ITS REPRESENTATIVES AND ATTORNEYS REGARDING NEGOTIATIONS AND ACQUISITION OF A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE McDOWELL SONORAN PRESERVE: **780 acres of land located between Bell Road and Union Hills Road, at approximately 104<sup>th</sup> Street.** A.R.S. 38-431.03 (A)(3), -(A)(4) and -(A)(7). Contact: Ed Gawf, Deputy City Manager, 480-312-4510, [egawf@scottsdaleaz.gov](mailto:egawf@scottsdaleaz.gov)

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**Adjourn**

**5:00 P.M.**  
**CITY COUNCIL MEETING**

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:05 P.M.**

**Roll Call** – **ALL PRESENT**

**Pledge of Allegiance** – **VICE MAYOR O’HEARN**

**Invocation** - **REVEREND JASON FRITZ, PASTOR OF ADULT ENRICHMENT FROM SCOTTSDALE BIBLE CHURCH**

**Boards and Commissions**

Board of Adjustment (1) - **TERRY KUHSTOSS**

Development Review Board (1) – **MICHAEL D’ANDREA**

Library Board (1) – **CAMILLE SCHMIDT**

Scottsdale Pride Committee (2) – **JAMES BRITT AND CHRISTINA LENKO**

Transportation Commission (1) – **KELLY MCCALL**

**Public Comment** – **ROBERT MAYHEW** – STATED HIS BELIEF THAT THE STORES PROPOSED AT LOS ARCOS WOULD BE GOOD FOR THE AREA AND ARE WHAT THE NEIGHBORHOOD WANTS AT THE SITE; **MARY HENKENIUS** – EXPLAINED THAT SHE WAS OPPOSED TO BUILDING AN ARENA AT LOS ARCOS BUT SUPPORTS THE CURRENT PROPOSAL; **DARLENE PETERSEN** – HOPED THAT COUNCIL MOVES FORWARD ON THE LOS ARCOS PROJECT; **LIDA STEWART** – URGED COUNCIL NOT TO WASTE ANY MORE TIME AND GET THE SHOPPING CENTER STARTED AT LOS ARCOS; **PAUL SANDER** – EXPRESSED HIS BELIEF THAT THE PROPOSED LOS ARCOS PROJECT WOULD BE A SUCCESS DUE TO THE LACK OF OTHER SHOPPING, THE ADDITIONAL HOUSING UNITS BEING BUILT, AND EASY ACCESS TO THE SITE.

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening’s meeting. Please check the box that refers to “public comment.” This “Public Comment” time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

**1. Canvass results of the May 20, 2003 special election – OK - C**

**Request:** Adopt Resolution No. 6315 as the official canvass of the Special Election held Tuesday, May 20, 2003.

**Related Policies, References:** Arizona Revised Statutes 16-642-A requires that the governing body shall canvass the election not less than six days nor more than fifteen days following the election. A.R.S. 16-646 sets out the form and content of the official canvass.

**Staff Contact(s):** Sonia Robertson, City Clerk, 480-312-2754, [srobertson@scottsdaleaz.gov](mailto:srobertson@scottsdaleaz.gov)

**2. Land acquisition for the McDowell Sonoran Preserve – OK - C**

**Request:** Adopt Resolution No. 6294 authorizing purchase in the amount of \$195,300 (\$39,000/acre) for the 5.006-acre Parcel No. 216-59-004G, located at 30435 N. 128th Street, for the McDowell Sonoran Preserve.

**Related Policies, References:** The parcel is within the expanded Recommended Study Boundary approved in August 1998, by City Council and in November 1998, by voters. The acquisition of this land supports City Council Broad Goal B: Preserve the Character and Environment of Scottsdale, and two sub-goals under Goal B: Complete the acquisition of lands within the adopted Preserve boundaries; and Protect natural resources, open spaces and views.

**Staff Contact(s):** Robert J. Cafarella, AICP, Director, Preservation Division, 480-312-2577 ([rcafarella@ci.scottsdale.az.us](mailto:rcafarella@ci.scottsdale.az.us))

**\*\*\*3. Continued to June 16, 2003 – NO ACTION WAS NECESSARY**  
**Construction Bid Award for La Mirada Desert Park**

**4. Construction Contract Award for Additional Hayden Road Turn Lanes at Camelback and Chaparral – OK - C**

**Request:** Authorize Construction Contract Award No. 03PB096 to S&S Paving and Construction, Inc., the lowest responsive bidder, at their total unit price bid of \$348,851.85. The proposed improvements are to be constructed at the intersection of Hayden Road and Chaparral Road and the intersection of Hayden Road and Camelback Road.

**Staff Contact(s):** Gary Talbott, Project Coordinator, [Gtalbott@scottsdaleaz.gov](mailto:Gtalbott@scottsdaleaz.gov), (480) 312 7845

**5. Engineering Services Contract for Hayden Road – Cactus to Redfield – OK - C**

**Request:** Authorize Engineering Services Contract 2003-104-COS with Tri-Core Engineering in the total amount of \$1,011,126.66 for the design of roadway and drainage improvements on Hayden Road from Cactus Road to Redfield Road.

**Related Policies, References:**

- Design Concept Report – Hayden Road, Cactus to Redfield (5/22/02).
- Design Concept Report – 79<sup>th</sup> Street Outfall – East Airport Drainage (2/16/02).
- Transportation Commission Review (7/18/02).
- Proposed Master Streets Plan, 2003 Bond 2000 CIP Project

**Staff Contact(s):** Brad Wisler, Project Manager, 480.312.7626, [bwisler@ci.scottsdale.az.us](mailto:bwisler@ci.scottsdale.az.us)

**6. Contract Amendment for Preparation of Construction Contract Documents for the McDowell Mountain Ranch Park and Aquatic Center – OK - C**

**Request:** Amend Architectural Services Contract No. No.2001-114-COS with WeddleGilmore Architects, in the amount of \$710,319.00 to prepare the construction contract documents for the McDowell Mountain Ranch Park and Aquatic Center.

**Related Policies, References:**

City Council Municipal Use Master Site Plan Approval, Case 20-UP-1994 #2 (3/17/03); Planning and Zoning Commission Recommendation (11/13/02); Parks and Recreation Commission Recommendation (11/6/02); Architectural Services Contract No. 2001-114-COS (8/20/01); IGA #950009 with the Scottsdale School District (6/6/95), Municipal Use Master Site Plan Case No. 20-UP-1994.

**Staff Contact(s):** Brad Wisler, Project Manager, (480) 312-7626, [bwisler@scottsdaleAZ.gov](mailto:bwisler@scottsdaleAZ.gov)  
Judy Weiss, Parks, Recreation and Facilities Manager, (480) 312-2416, [jweiss@scottsdaleAZ.gov](mailto:jweiss@scottsdaleAZ.gov)  
Jona Davis, Aquatic Coordinator, (480) 312-8428, [jdavis@scottsdaleAZ.gov](mailto:jdavis@scottsdaleAZ.gov)

**7. Intergovernmental Agreement with Arizona Department of Transportation (ADOT) to advance a total \$3.9 million to make rubberized asphalt installation possible on the Pima Freeway within the City ahead of schedule – OK - C**

**Request:** Consider adoption of Resolution No. 6290 and approve Intergovernmental Agreement (IGA) 2003-096-COS to advance to ADOT a total \$3.9 million to obtain early installation of rubberized asphalt to mitigate freeway noise. Advances of up to 1 year in installation for the four segments scheduled have been agreed upon. The \$3.9 million will not be advanced all at once. The City will advance funds as project segments are ready to be built. ADOT will repay the City advance in the fiscal year that the construction originally was scheduled, when funds legally become available to ADOT. Current estimate is that each mile of rubberized asphalt construction will cost \$325,000.

**Staff Contact(s):** Michelle Korf, Director, Transportation Master Planning, [mkorf@scottsdaleaz.gov](mailto:mkorf@scottsdaleaz.gov), 480.312.2638

**8. Animal Cruelty Code – OK - C**

**Request:**

1. Enact Ordinance No. 3497 Adding an Animal Cruelty Code to Chapter 4 of the Scottsdale Revised Code.

2. Adopt Resolution No. 6263 authorizing the Mayor to enter into Agreement No. 2003-029-COS, a protective animal custody agreement with the Arizona Humane Society, on behalf of the City.

**Staff Contact(s):** Marc Eisen, Emergency Services, 480-312-7999, [meisen@scottsdaleaz.gov](mailto:meisen@scottsdaleaz.gov)  
Janet Cornell, City Court, 480-312-2775, [jcornell@scottsdaleaz.gov](mailto:jcornell@scottsdaleaz.gov); Molly Edwards, CNR, 480-312-4304, [medwards@scottsdaleaz.gov](mailto:medwards@scottsdaleaz.gov); Janis Villalpando, City Attorney's Office, 480-312-2472, [jvillalpando@scottsdaleaz.gov](mailto:jvillalpando@scottsdaleaz.gov); Valerie Thomsen, City Prosecutor's Office, 480-312-7387, [vthomsen@scottsdaleaz.gov](mailto:vthomsen@scottsdaleaz.gov)

**Regular Agenda begins on the following page**

**9. 2003/04 Update of Property Tax Levy – No PUBLIC COMMENT WAS RECEIVED—ROLL CALL VOTE AYE – N.O., D.O., C.L., M.M., T.S., W.E., AND R.L.**

**Request:** Receive public input relative to the proposed FY 2003/04 property tax levy and, by a roll call vote, approve a motion to consider adoption of the property tax levy on June 16, 2003 in accordance with Arizona State Statutes (42-17107) and the City Charter (Article 6 Finance and Taxation, Section 7 Adoption of Ordinance Fixing Tax Rate).

**Staff Contact(s):** Craig Clifford, General Manager, [Cclifford@ScottsdaleAz.gov](mailto:Cclifford@ScottsdaleAz.gov), (480) 312-2364; Art Rullo, Budget Director, [Arullo@ScottsdaleAZ.gov](mailto:Arullo@ScottsdaleAZ.gov), (480) 312-2435

**10. Solicit public testimony on the FY 2003/04 Program and Capital Improvement Plan and, Adopt Ordinance No. 3513, the Final Budget estimates for FY 2003/04. – OK – 7/0**

**Request:** The City Council receives public input relative to the Proposed FY 2003/04 Operating Budget and Capital Improvement Plan, and adopts the Final Budget estimates in accordance with Arizona State Statutes and the City Charter.

**Staff Contact(s):** Craig Clifford, General Manager, [Cclifford@ScottsdaleAz.gov](mailto:Cclifford@ScottsdaleAz.gov), (480) 312-2364, Art Rullo, Budget Director, [Arullo@ScottsdaleAZ.gov](mailto:Arullo@ScottsdaleAZ.gov), (480) 312-2435

**Public Comment – NORWOOD SISSON – GAVE PUBLIC NOTICE THAT THE CITY IS NOT PROVIDING COPIES OF RECORDS HE REQUESTED.**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

**City Manager's Report - NONE**

**Mayor and Council Items - NONE**

**Adjournment of the City Council Meeting (6:25 P.M.) and Convening of:**

**DC Ranch Community Facilities District Board of Directors Meeting  
(Agenda Attached)**

**McDowell Mountain Ranch Community Facilities District Board Meeting  
(Agenda Attached)**

**Scottsdale Mountain Community Facilities District Board Meeting  
(Agenda Attached)**

**Via Linda Road Community Facilities District Board Meeting  
(Agenda Attached)**

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.

**NOTICE OF PUBLIC MEETING OF THE  
BOARD OF DIRECTORS OF  
DC RANCH COMMUNITY FACILITIES DISTRICT  
OF SCOTTSDALE, ARIZONA**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the DC Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, June 2, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order – **6:25 P.M.**
2. Approval of Minutes of May 19, 2003 – **OK – 7/0**
3. Call for Public Comments on the budget and the Feasibility Study – **NO PUBLIC COMMENT WAS RECEIVED**
4. Adopt Resolution No. 18, which approves the budget – **OK – 7/0**
5. Adjournment - **6:27 P.M.**

Dated: June 2, 2003

**NOTICE OF PUBLIC MEETING OF THE  
BOARD OF DIRECTORS OF  
MCDOWELL MOUNTAIN RANCH  
COMMUNITY FACILITIES DISTRICT  
OF SCOTTSDALE, ARIZONA**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, June 2, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Civic Center Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order – **6:27 P.M.**
2. Approval of Minutes of May 19, 2003 – **OK – 7/0**
3. Call for Public Comments on the budget – **NO PUBLIC COMMENT WAS RECEIVED**
4. Adopt Resolution No. 30 which approves the budget – **OK – 7/0**
5. Adjournment – **6:28 P.M.**

Dated: June 2, 2003

**NOTICE OF PUBLIC MEETING OF THE  
BOARD OF DIRECTORS OF  
SCOTTSDALE MOUNTAIN  
COMMUNITY FACILITIES DISTRICT  
OF SCOTTSDALE, ARIZONA**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Scottsdale Mountain Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, June 2, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order – **6:28 P.M.**
2. Approval of Minutes of May 19, 2003 – **OK – 7/0**
3. Call for Public Comments on the budget – **No PUBLIC COMMENT WAS RECEIVED**
4. Adopt Resolution No. 33, which approves the budget – **OK – 7/0**
5. Adjournment – **6:29 P.M.**

Dated: June 2, 2003



**NOTICE OF PUBLIC MEETING OF THE  
BOARD OF DIRECTORS OF  
VIA LINDA ROAD COMMUNITY FACILITIES DISTRICT  
OF SCOTTSDALE, ARIZONA**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Via Linda Road Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, June 2, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order – **6:29 P.M.**
2. Approval of Minutes of May 19, 2003 – **OK – 7/0**
3. Call for Public Comments on the budget – **NO PUBLIC COMMENT WAS RECEIVED**
4. Adopt Resolution No. 14, which approves the budget – **OK - C**
5. Adjournment – **6:30 P.M.**

Dated: June 2, 2003